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MEMORANDUM
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TO: Docket Control Center
FROM: Ernest G. Johnson
Director
Utilities Division

Arizona Corporation Commission

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DEC 13 2007

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DATE: December 13, 2007

RE: CIRCLE CITY WATER COMPANY, LLC - REQUEST FOR EXTENSION OF COMPLIANCE DEADLINE (DOCKET NOS. W-03510A-05-0145 AND W-03510A-05-0146)

In Decision No. 68246, dated October 28, 2005, the Arizona Corporation Commission ("A.C.C." or "Commission") approved the application of Circle City Water Company, LLC ("Circle City" or "Company") for an extension of its Certificate of Convenience and Necessity.

As part of Decision No. 68246, the Commission ordered that:

"Circle City Water Company, LLC shall file with Docket Control copies of the Certificate of Approval to Construct for Phase 1 of the project ..."

"Circle City Water Company, LLC shall file a copy of the Developer's Assured Water Supply for Phase 1 of this project with the Commission ..."

The Commission ordered that the Certificate of Approval to Construct ("ATC") and the copy of the Developer's Certificate of Assured Water Supply ("CAWS") be provided within 24 months of the date of the decision – or October 25, 2007.

On October 22, 2007, Circle City filed a motion for extension of time to comply with Decision No. 68246. In the application, the Company requested an extension of time, until January 31, 2008, to comply with the compliance items outlined above. By way of explanation, the Company stated that "Harvard Investments, Inc. ("Harvard") has not yet completed the processes necessary to secure the CAWS and the ATC."

According to the Company, a Well Permit Application was necessary and has been approved by ADWR. The CAWS application was then submitted by the developer to ADWR on August 8, 2007. The CAWS request has been under review by the Office of Assured Water Supply which would include a review of a hydrology study. Staff contacted Mr. Michael Grant, attorney for Harvard Investments, to discuss the processing of the CAWS and any changes that may have occurred since the filing of the request for extension of time. Mr. Grant stated that while work to meet the originally proposed January 31, 2008 due date continues, meeting the proposed date is currently less certain due to the fact that ADWR sought additional hydrological

data from the Company in its review of the developer's hydrology study. He stated that a proposed extension until February 28, 2008 or March 31, 2008 was currently more appropriate due to the delay with the hydrology study. Staff accepted this discussion as an amendment to the application for extension filed on October 22, 2007.

Regarding the ATC, the application states that Harvard recently provided Circle City with the proposed engineering plans relating to the Phase 1 construction. The plans will need to be fully reviewed by Circle City and will subsequently require approval from the Maricopa County Environmental Services Department.

Staff Recommendation

Staff does not object to the Company request for additional time to provide the CAWS filing and the Certificate of ATC. Although the CAWS and the ATC are not specifically linked, Staff notes that the Commission originally ordered that the CAWS and the ATC filings be provided at the same time – October 25, 2007. Therefore, in order to synchronize the due dates, as previously ordered by the Commission, and address recent time issues relating to the hydrology study, Staff recommends that the Company receive an extension of these due dates. In an effort to avoid future extension requests by the Company, Staff recommends that the CAWS and ATC due dates be extended to June 30, 2008. Staff also recommends that no further extensions of time be granted in this matter.

EGJ:BKB:lhbm

Originator: Brian K. Bozzo

Attachment

SERVICE LIST FOR:
DOCKET NOS.

CIRCLE CITY WATER COMPANY, LLC.
W-03510A-05-0145 and W-03510A-05-0146

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AZ CORP COMMISSION
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Arizona Corporation Commission

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Attorneys for Circle City Water Company, L.L.C.

BEFORE THE ARIZONA CORPORATION COMMISSION

IN THE MATTER OF THE
APPLICATION OF CIRCLE CITY
WATER COMPANY, LLC FOR
APPROVAL OF A HOOK-UP FEE
TARIFF.

DOCKET NO. W-03510A-05-0145

IN THE MATTER OF THE
APPLICATION OF CIRCLE CITY
WATER COMPANY, LLC FOR AN
EXTENSION OF ITS EXISTING
CERTIFICATE OF CONVENIENCE AND
NECESSITY FOR WATER SERVICE.

DOCKET NO. W-03510A-05-0146

**MOTION FOR EXTENSION OF TIME
TO COMPLY WITH DECISION NO.
68246**

Circle City Water Company, L.L.C. ("Circle City") files this Motion for an Extension of Time to Comply with Commission Decision No. 68246 (October 25, 2005) ("Order"). The Order requires Circle City to file copies of a Certificate of Approval to Construct ("ATC"), as well as the developer's Certificate of Assured Water Supply ("CAWS") for Phase 1 of the project by October 25, 2007. Harvard Investments, Inc. ("Harvard") has not yet completed the processes necessary to secure the CAWS and the ATC. Therefore, Circle City respectfully requests that the Commission extend the deadline to file these two compliance items to January 31, 2008.

The CAWS application has been submitted to the Arizona Department of Water Resources ("ADWR") and the Well Permit Application was submitted on July 3, 2007. ADWR has completed its review and has approved the well permit. The CAWS

1 application was submitted to ADWR on August 8, 2007, and is currently under review by
2 the Office of Assured Water Supply, including a review of the applicable hydrology
3 study.

4 As to the ATC, Harvard recently provided Circle City with the proposed
5 engineering plans for the Phase 1 interconnection contained in Exhibit B of the Order.
6 However, these plans are currently under consideration by Circle City, and will need final
7 authorization and approval from the Maricopa County Environmental Services
8 Department after thoroughly reviewed and approved by Circle City.

9 Extending the deadline by approximately three (3) months should allow Harvard
10 the time necessary to secure the required approvals. Therefore, Circle City respectfully
11 requests that the Commission approve the extension requested for filing the CAWS and
12 the ATC to January 31, 2008.

13 DATED this 22nd day of October, 2007.

14 FENNEMORE CRAIG, P.C.

16
17 By: 

Jay L. Shapiro

18 Patrick J. Black

19 Attorneys for Circle City Water Company,
20 L.L.C.

21 ORIGINAL and 15 copies filed this
22 22nd day of October, 2007:

23 Docket Control
24 Arizona Corporation Commission
25 1200 West Washington Street
26 Phoenix, Arizona 85007

1 COPY delivered this
2 22nd day of October, 2007 to:

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4 Chief Counsel
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15 By: *Maria Sanchez*

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